

REMARKS

Claims 1 through 54 were pending and rejected in the Office Action mailed January 5, 2004. Claims 1-7, 9-15, 17-23, 25-33, 35-40, 42-51, and 53-54 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,867,780 to Malackowski. In addition, claims 8, 16, 24, 34, 41, and 52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Malackowski in view of U.S. Patent No. 6,484,147 to Brizendine. Claims 1, 3, 11, 19, 27, 34, 35, 37, 44, 47, 48 and 49 have been amended for clarity as described below, and new claims 55-64 have been added. Based on the following remarks, Applicants respectfully request consideration of pending claims 1-64.

REJECTIONS UNDER § 102(b)

Claims 1-7, 9-15, 17-23, 25-33, 35-40, 42-51, and 53-54 were rejected under 35 U.S.C. § 102(b) as being anticipated by Malackowski. Applicants respectfully traverse this position.

Malackowski teaches a system that depends on a prospective consumer taking the action of using his or her telephone to place a call in response to a message received or advertisement viewed by the user (e.g., a roadside billboard) in order to obtain or make arrangements to obtain the advertised product or service. In other words, Malackowski teaches manual entry of numeric codes associated with advertisements that may be viewed by a user in order for the user to obtain further information or receipt of advertised products or services.

In contrast, in Applicant's invention, a user receives server generated, transmitted, and presented content in the user's vehicle as a consequence prestored broadcast information being associated with the vehicles' information (at least one of the vehicle's location, trajectory, information requests or transaction requests). Advertising content is presented to the user in accordance with the user's vehicle information and the prestored broadcast information of the radio station listened to by the user. In this manner, the presented advertising content is not

dependent on the user hearing a specific message or viewing a certain advertisement, for example viewing a roadside billboard at a particular time or place. There is no need for manual entry of numeric codes associated with advertisements in Applicant's invention. Furthermore, based on the user's prestored information in a transaction server component, a transaction request once made by voice or otherwise commanded by the user responding to the server presented content is fulfilled by the server. Confirmation of the fulfillment is conveyed by the server to the user in the vehicle without the user having to request fulfillment confirmation.

Applicants have amended the claims to further clarify that a user of the claimed invention receives additional information associated with the broadcast independent of viewing advertisement at a particular time or place and without the need for manual entry of numeric codes associated with the advertisement as is required of users of the invention of Malackowski.

REJECTIONS UNDER § 103(A)

Claims 8, 16, 24, 34, 41, and 52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Malackowski in view of Brizendine. Claims 8, 16, 24, 34, 41, and 52 depend upon independent claims 1, 11, 19, 27, 37 and 49 and are therefore patentable for the same reasons that make these claims patentable. In addition, there are alternative bases for the patentability of a number of these dependent claims.

NEW CLAIMS

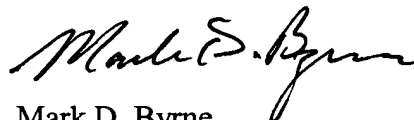
New claims 55-64 have been added and Applicants respectfully request consideration and allowance of the new claims.

CONCLUSION

In view of the above amendments and remarks, Applicants respectfully submit that amended claims 1-7, 9-15, 17-23, 25-33, 35-40, 42-51, 53-54 and new claims 55-64 are not anticipated by Malackowski. Further, Applicants submit that claims 8, 16, 24, 34, 41, and 52 are not obvious in view of Malackowski in further view of Brizendine. Applicants accordingly submit that all claims are in condition for allowance.

Respectfully submitted,

BLACK LOWE & GRAHAM^{PLLC}



Mark D. Byrne
Registration No. 50,125
Direct Dial: 206.957.2483